

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, February 23, 2016.

The meeting was called to order by Mayor Jackie McKinney. Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Linda Garcia
Allan Landavazo
Yogash Kumar
Fran Palochak

Also present: Maryann Ustick, City Manager
George Kozeliski, City Attorney

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of February 9, 2016.

Councilor Palochak made the motion to approve the Minutes of the Regular Meeting of February 9, 2016. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Landavazo, and Mayor McKinney all voted yes. Councilor Kumar abstained. Motion carried.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

1. Discussion Only: Update on the 2016 New Mexico Legislative Session – State Representative Patty Lundstrom

State Representative Patty Lundstrom presented a summary of the Bills that were passed during the thirty day 2016 Legislative Session which began January 19, 2016 through February 18, 2016. Rep. Lundstrom said there were 101 Bills passed including the budget. She said there was a compromise to bring New Mexico into compliance with the federal Real ID Act of 2005. There has been misinformation surrounding the compromise; however, she summarized the following concerning the Act:

First, the legislation created Real ID compliant driver's licenses that citizens and others in the country legally can get later this year. No one will be required to obtain the new license and even if you want one, you will not have to get one for several years. Once a plan is approved by the federal government, which is expected, you will be able to use your current driver's license to board airplanes until it expires or until October 1, 2020, whichever comes first. To obtain a Real ID driver's license, citizens must provide a birth certificate or passport and a social security card or a W-2 form along with other documents.

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Second, undocumented immigrants can get a driving authorization card, which will allow them to legally drive in the United States, but will not allow them to board airplanes or enter federal facilities. The driving authorization card is initially valid for two years, and can be renewed for four years. Undocumented immigrants must be fingerprinted and are ineligible if they have outstanding warrants or have used aliases to get documents.

Rep. Lundstrom said this session was all about the budget and the bills drawn pursuant to special messages from the Governor. This year was extremely difficult because of the shortfall in the budget. During the December Legislative Finance Committee (LFC) meeting the Committee had put together a budget, but by January the new revenue projections of \$200 million was gone. By the time the bill went from the House Appropriations to the Senate Finance Committee it lost another \$30 million in new money, plus an additional \$95 million. The decline in revenue is because the oil and natural gas prices continue to drop, along with the weaknesses in gross receipt tax revenue. Overall the budget is a \$6.2 billion spending plan for the upcoming Fiscal Year, with triggers within the budget, allows for flexibility between categories within each agency so the Cabinet Secretaries can move funding as needed. The Governor's office was given a 1% allowance for additional cuts if necessary. Rep. Lundstrom said that since it's the legislator's responsibility for the appropriation of money, they may have to return to a special session even with the special trigger points in place. There may not be enough funds available since there was a shortfall of over \$395 million in funds. The Legislators had to use a lot of non-recurring funds to cover recurring expenses. Rep. Lundstrom said she felt they had a good budget with a 5.6 percent in reserve funds. \$300 million was approved for public works projects based on \$123 million coming from the sale of the severance tax bonds, and \$185 million from General Obligation Bonds (GO) being voted on in November. GO bonds are primarily used for libraries and senior citizens. Under criminal law, there were a number of bills that were messaged by the Governor, primarily about increasing the DWI penalties. Doing criminal background checks on adults in emergency placement homes for children, and the "Brittany Alert" notification of an endangered person who is missing and their health or safety is at risk. Under public health safety; there is the Disaster Response Tax and Licensure Exemptions, to make it easier to provide for temporary exemptions to nonresident professionals in our state to help with disaster response. Other Bills passed were for alcoholic beverages to be sold on the grounds of ski areas, and for allowing 17 year olds to vote in a primary election as long as they will be 18 years old on the day of the general election.

Councilor Landavazo asked if the GO bonds could be used to build new libraries or to purchase books. Rep. Lundstrom said the GO bonds were generally used for school libraries and library books. Mary Ellen Pellington, Library Director, said GO bonds covered school libraries, university libraries, public libraries, books and

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technology, but could not be used to build libraries. The Mayor thanked Rep. Lundstrom for the updates and asked her to keep the City updated on any changes made to the budget.

2. Fiscal Year 2015 Audit Report – Patty Holland, Chief Financial Officer

Ms. Holland said each year the City undergoes a full audit required by the Office of the State Auditor. This year Kubiak Melton & Associates, LLC, conducted the city audit. Their representatives Jeff Romero and Danny Trujillo were present to answer questions about the independent auditors report. Mr. Romero asked the Mayor and Councilors to turn to page 148 of the audit report, where the findings were listed. Mr. Romero said there were two separate audits, one for the City and one for the Gallup Housing Authority. Mr. Romero said for the year 2015 the city received an unmodified opinion, which is the best possible opinion to receive, and probably the one that the City has been waiting for. The Gallup Housing Authority received a qualified opinion, because of the past issues. Mr. Romero said he was much more comfortable with the qualified opinion. However, the improvements made on their financial statements were very impressive. Both entities for their federal awards received unmodified opinions. Regarding the major finding issues, Mr. Romero noted that for a city the size of Gallup, there should be detailed policies and procedures in place. There were no federal award findings for the City; 90 percent of the federal award was in one program. Mr. Romero thanked Ms. Holland, her staff and Mr. Kozeliski for the great job and appreciated their hard work. The Housing Authority did get one major finding from the federal award on the low rent program, which consisted of some documentation issues. The financials did not have anything of relevance as far as the analytics was concerned, and the fixed asset list was satisfactory which helped them get to the qualified opinion. The only thing that was an auditor's entry was the GASB statement No. 68 which are some liabilities on the reporting for pensions and a requirement from the state.

The Councilors commended Ms. Holland and her staff for their hard work, and to the team of people who contributed. Councilor Palochak commended the Gallup Housing Authority for bringing up their audit and resolving a lot of findings and becoming a strong organization, under the leadership of Richard Kontz. The Mayor complimented the City and Gallup Housing Authority staffs for making great headways, and making everything transparent and above board. He also thanked Mr. Romero, Mr. Trujillo and the firm of Kubiak Melton and Associates, LLC.

Councilor Landavazo made the motion to approve the Fiscal Year 2015 Audit Report. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak Kumar, Garcia, and Mayor McKinney all voted yes.

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3. Ordinance No. C2016-2; An Ordinance Repealing the City of Gallup's Current Pawnbrokers Ordinance In Its Entirety and Enacting a New Pawnbrokers Ordinance – George Kozeliski, City Attorney

Mr. Kozeliski said in 2006 when the City was revising the entire City Code, time ran out and they did not finish. Mr. Kozeliski said he and the City Clerk wanted to streamline the pawnbroker's and the taxi cab ordinance because they are totally controlled by state and federal governments. The city pawnbroker's ordinance dates back to 1961 and simply followed what the state laws were including the federal truth and lending laws that were outdated. Staff recommends repealing the current pawnbroker's ordinance and to retain what is needed to comply with the Pawnbroker's Act of the State of New Mexico and all regulations thereunder. Pawnbrokers are required to keep a daily sheet of what is pawned so the police department can review it for stolen property. Pawnbrokers must continue to pay an annual license fee of \$250.00.

Councilor Garcia made the motion to approve Ordinance No. C2016-2; An Ordinance Repealing the City of Gallup's Current Pawnbrokers Ordinance In Its Entirety and Enacting a New Pawnbrokers Ordinance. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Landavazo, Palochak and Mayor McKinney all voted yes.

4. Ordinance No. C2016-3; An Ordinance Repealing the City of Gallup's Current Taxicab Ordinance In Its Entirety and Enacting a New Taxicab Ordinance – George Kozeliski, City Attorney

Mr. Kozeliski said this ordinance was enacted in 1962 which is also outdated, and with the State of New Mexico passing the Transportation Network Company Services Act and with the advent of UBER and other such taxi type services being allowed, the City would like to streamline our ordinance and stay in compliance with state law. All taxicabs operated within the city shall comply with the Motor Carrier Act of the State of New Mexico and all regulations thereunder. Operators must continue to pay the City's annual license fee of \$50.00.

Councilor Palochak made the motion to approve Ordinance No. C2016-3; An Ordinance Repealing the City of Gallup's Current Taxicab Ordinance In Its Entirety and Enacting a New Taxicab Ordinance. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo and Mayor McKinney all voted yes.

5. Approval of Contract with New Mexico High School and Junior High School Rodeo Associations to Host the 2016 State Championships, May 25-30, 2016 – George Kozeliski, City Attorney

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Mr. Kozeliski said the City submitted a response to an RFP to Host the NM High School and Junior High School State Championship Rodeos. These rodeos are usually held separately two weeks apart. The City submitted a proposal to host these rodeos jointly with the idea coming from Mr. Walt Eddy. The response from the parents was very positive since because most parents have children competing in both rodeos, and with the rodeos being combined it would cut down on their travel expenses. The City will provide all the services available at Red Rock Park and all other facilities necessary for conducting the rodeo. The City will use \$25,000 in lodger's' tax funds for advertising and program production and an additional \$25,000 for payments to judges, the rodeo secretary, stock feed, barbeque, fajita contest and prizes. Mr. Kozeliski said that with the Memorial Day weekend the turnout crowds are expected to be very large and would be a big event for the City of Gallup and Red Rock Park.

Mayor McKinney said this event would generate business for local grocery stores, hotels and restaurants including the revenue coming in for the RV spaces and horse stalls. The Mayor also recognized and thanked Mr. Billy Moore and Mr. Walt Eddy for working diligently on all the rodeos and their service to the community.

Councilor Landavazo asked about the \$25,000 for the programs and if the City would be responsible for putting together the programs and ads. Mr. Kozeliski said no, the programs referenced were for the performance programs.

Councilor Landavazo made the motion to approval of the Contract with New Mexico High School and Junior High School Rodeo Associations to Host the 2016 State Championships, May 25-30, 2016. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, and Mayor McKinney all voted aye. Councilor Kumar abstained. Motion carried.

6. Extension of the Agreement with Na'Nizhoozhi Center, Inc. (NCI) for Administration and Operation of the Detox Center – George Kozeliski, City Attorney

Mr. Kozeliski, said the City put out a RFP for an emergency contract with the onset of the coming winter because the Navajo Nation had withdrawn from running the detox facility. The contract was awarded to NCI, with available funds to run the facility through February 29, 2016. The Mayor and Ms. Ustick have been working on getting additional funding, and based on the funding the term of this extension shall be for services to be provided for the period of March 1, 2016 through June 30, 2016. Before the extension ends, the City will put out a permanent RFP to award a long term contract for the facility.

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Mayor McKinney gave an update on the funding for the detox facility. The Mayor said as of today the City received a wire transfer for \$234,000 from the Indian Health Services. The funding was acquired through the hard work and efforts of Senators Martin Heinrich and Tom Udall. The balance of the funding was negotiated with Bill Lee, County Manager and Doug Decker, County Attorney through the Liquor Excise Tax with sufficient funding for the contract to the end of June, 2016. Mayor McKinney said during last year's legislative session Governor Martinez vetoed the funding for the Behavioral Health Investment Zones; however, she did make funds available through the Department of Health, in which the City has submitted an application for \$500,000 which looks real positive and funding should be coming in soon. Mayor McKinney said his contention has always been that the Indian Health Service should be responsible for the funding of the facility. The Mayor said the City needs to look into recurring funding for the facility as well as other services and programs. The Mayor asked the Councilors to approve a budget adjustment for the funds received earlier today should they approve the extension of the contract.

The Mayor thanked Dr. Foley and his staff for their services to the City. He said he will be sending his thanks to Senators Heinrich and Udall for their help in securing these funds.

Councilor Kumar thanked Dr. Foley for continuing this important program, and the Mayor and Mr. Kozeliski for securing the funds. He said it takes a lot of money including the services provided by the City.

Councilor Kumar made the motion to approve the Extension of the Agreement with Na'Nizhoozhi Center, Inc. (NCI) for Administration and Operation of the Detox Center and the Budget Adjustment. Seconded by Councilor Palochak. Roll call: Councilors Kumar, Palochak, Garcia, Landavazo, and Mayor McKinney all voted yes.

7. Resolution No. R2016-17; Recreational Trails Program (RTP) Grant Application – Clyde (C.B.) Strain, Planning Director

Mr. Strain said the City of Gallup and Red Rock Motor Sports (RRMS) are requesting approval to submit a grant application to the New Mexico Department of Transportation (NMDOT) Recreational Trails Program (RTP) for the Fiscal Year 2016 cycle. The requested funds are to be used for improvements to the City of Gallup ATV/OHV Park. Red Rock Motor Sports operates and maintains the park for the City under a contract. The amount requested is \$128,500 with a match of \$18,709.60 (14.56%). \$5,000 of the required match will come from in-kind

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services provided by Red Rock Motor Sports. The remaining match of \$13,709.60 will be a cash match by the City. The Recreational Trails Program is a reimbursement program requiring 100% upfront cost commitment by the City. The City will request reimbursements as the project progresses. The proposed improvements consist of a graveled parking lot, picnic tables with awnings, trail legends and a Sweco 480 trail dozer. The Northwest New Mexico Council of Governments (NWNMCOG) has agreed to write and submit the proposed grant application for the City. The breakdown for the fiscal impact is as follows: Recreational Trails Program Grant of \$109,709.40, the City's cash match of \$13,709.60, the City's in-kind match from RRMS of \$5,000, for a total estimated project cost of \$128,500.

Councilor Landavazo asked if there was one grant available from the state or if there was a pool of money available for multiple grants. His second question pertained to the improvements at the ATV/OHV Park and if the drainage problem caused by the heavy rains had been fixed before the base course for the graveled parking lot was put down.

Mr. Strain said the application is for the 2016 Fiscal Cycle and there is \$400,000 available for the entire state. The City's request is to see if we qualify for some of the funds. Greg Kirk from RRMS said the drainage problem had been fixed.

Councilor Palochak said that it seemed like a minor investment from the City for a positive thing for our community.

Mayor McKinney commended Greg Kirk and his group for having excellent facilities. The City has become recognized for having a first class, first rate motorcycling racing/ATV venue. The programs create a lot of activity and people come and spend money in our community. Any time the City can leverage \$13,000 to get \$109,000 to improve our properties is an excellent opportunity.

Councilor Garcia made the motion to approve Resolution No. 2016-17; Recreational Trails Program (RTP) Grant Application. Seconded by Councilor Kumar. Roll call: Councilors Garcia, Kumar, Palochak, Landavazo, and Mayor McKinney all voted yes

8. Curbside Recycling Program – Vince Tovar, Director, Gallup Water and Sanitation Department

Mr. Tovar said with instructions from the Mayor and Council the staff conducted a Curbside Recycling Feasibility Study. The Study was prepared and after well publicized and widespread public discussions, staff now brings forward the results

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of the final public survey and implementation recommendations. Mr. Tovar said he would like to highlight that these are staff recommendations. They are not recommendations that have been developed with concurrence with the Sustainable Gallup Board. Mr. Tovar presented a Power Point presentation on Recycling in Gallup, Opportunities, Challenges, February 19, 2016 Recommendations. Included in the presentation were the survey results, the current existing recycling program, cost to implement curbside recycling and the staff recommendations. Mr. Tovar went over the survey results showing that 59% would participate and 41% would not participate. The survey also showed that 46% did not wish to pay, while 17% would be willing to pay \$2.00 per month, 15% would pay \$3.00 per month, and 21% would pay \$5.00 per month. The survey revealed that 53% of the respondents would be willing to pay from \$2.00 to \$5.00 for curbside recycling. Mr. Tovar said the City currently has an existing recycling program since 2012 but that it was not very user friendly. The City does not receive any revenue from the materials that are recycled, but rather offsets the cost of the tipping fees. The overall cost of the recycling for the most recent year was \$44,841 less the savings on the tipping fees; the total cost to the City was \$34,341 for Fiscal Year 2016. Mr. Tovar said the current recycling center is handled by the Regional Solid Waste Authority with a net cost of \$19,000 per year. Mr. Tovar went over some of the recommendations from the McKinley County Recycling Council and the Sustainable Gallup Board to improve the existing recycling program in place. The suggestions included having attendants at the bin locations, posting easier to read signage, and posting the times of operation at each location, which includes the Larry Brian Mitchell Center, Cultural Center and the RSWA recycling transfer station. Mr. Tovar said there was a need to educate the public and the youth on how and what to recycle. The City has not done a good job on reaching out to the public to inform them of what is available and to make recycling easier for our community. The initial implementation costs for a recycling program according to the feasibility study will cost the City \$1,272,000, and staff does not agree that this should be taken out of the Environmental Surcharge Tax Fund. The City has a long list of projects that should logically belong to that fund. A backlog of priorities needs to be addressed before the City looks into funding this recycling program. If the City had decided to implement the curbside recycling program the estimated monthly charge per resident would be \$3.00 per month. Listed below are the staff recommendations:

1. Defer implementation of a full-blown recycling program.
2. Implement recommendations made by SGB, and MC Recycling Council
 - Staffing with minimum of 2 personnel during business hours
 - Tuesday through Saturday(40 hours)
 - Seek public input to add up to two additional location

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- Appropriate and accurate signage
 - Community recycling education
 - Make the recycling program user friendly for those that wish to recycle
3. Funding provided by City of Gallup through offsetting cost reduction estimated to be approximately \$100,000
 4. Monitor total community recycling – (The City Gallup, SGB, RSWA) metrics and make them available to everyone, via the City or RSWA websites
 5. City staff and the Sustainable Gallup Board will provide an annual update to the Mayor and City Council

Mr. Tovar said that if the City is ever going to embark on a sustainable curbside recycling program and ensure its success, he thought this was a good way to start.

Councilor Palochak asked about the uses for the Environmental Surcharge. Mr. Tovar gave some examples of what the surcharge could be used for, such as curbs and gutters throughout the community, to rehabilitate the Grandview tank, a number of infrastructure projects for water and wastewater throughout the city. These projects are millions of dollars' worth. There is such a huge laundry list of items that need to be repaired and rehabilitated throughout the community. The staff does not recommend using this fund for the recycling program since the City has too many projects that this community needs right now.

The Mayor asked for comments from the public on the subject. Several people came forward to voice their opinions on curbside recycling.

Pat Scheely from Mentmore said as America's most patriotic small town she thought the City should consider recycling and make it doable. She also asked the Councilors to support recycling.

Michelle Rascon and Sonny Belleza from Gallup High School Recycling spoke in favor of recycling. Mr. Belleza said he was originally from the Philippines and came from a place where it was dirty as he seen animals die because of the trash in the ocean. Mr. Belleza said that since he has started recycling, his efforts make him feel good about helping the environment.

Shafiq Choudhary, a Kennedy Mid School teacher and Chairperson of the McKinley Citizens Recycling Council, said the curbside recycling programs have been increasing across the United States. In 1973 there were no recycling programs, by 2006, there were 8,600, and by 2011 there were 9,800. Mr. Choudhary said that people believe that by having a bin they are helping the environment and that belief is stronger than factors of cost and inconvenience.

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Gerald O'Hara a member of the MC Recycling Council said that the survey showed 53% would pay to have a recycling program. He said the 46% who did not wish to pay was because they felt they were already paying for it on their billing, but that did not mean that they were against recycling. He said that the survey shows that's what the people want.

Lynn Huenemann, a citizen of Gallup and a school board member, spoke in favor of recycling. He had taken his recycling to Farmington and Winslow. He felt that as a society that we just cannot keep dumping it when there is the possibility of reuse.

Michael Daly a 16 year citizen of Gallup, and he said he supported the staff recommendation because it was a wise decision. Mr. Daly said recycling is nice but we are a rural area with plenty of room for landfill and there is a difference between nice and necessary. It is nice to have recycling, but it is necessary to have the streets working and it is necessary to have the water and sewer working since it is a quality of life issue.

Lorelei Kay, Pastor of Westminster Presbyterian Church she said that her church does recycling and view recycling as a moral, and a faith issue. Ms. Kay said it has not been easy because the recycling stations are closed sometimes and they do not always know what to recycle so curbside recycling would be very helpful.

Joe Schaller spoke against implementing the curbside program. Mr. Schaller said the survey shows that over 60% of the respondents do not want to pay \$3.00 or more for recycling. Mr. Schaller said the \$3.00 fee was a low estimate and that the cost would be significantly more. He said it clearly shows on the survey that people were not in favor of the program. He felt that the SGB lacked credibility and was politically biased. He said the landfills are not a problem in rural areas.

Councilor Garcia said she is in favor and supported recycling but the City has a lot of projects that the environmental surcharge tax fund needed to be used for and did not want to the fund to be depleted. She felt that staff's recommendation was a compromise on the program. Councilor Garcia asked if the \$3.00 charge on the utility bill would be only if the program were implemented. Mr. Tovar said the estimated cost of \$3.00 would only appear on the billing if the full-blown program was implemented

Councilor Kumar wanted clarification that the \$3.00 charge would be assessed on the utility bills only if the full-blown program was implemented and would this be a recurring cost for the residents. He also asked if the City will have to continue to pay into the system or if that was the breakeven point. He said in California, recycling was almost second nature but the City of Gallup is a rural area and with

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the challenges that comes with the program, especially with transportation. He would also agree with staff's recommendation but he could see curbside recycling happening in the future as it may not happen this year. Mr. Tovar said that the \$3.00 charge would be after the implementation of the curbside program and was a breakeven point. There would be no additional cost to the City and that the citizens of Gallup would fund the program. He said that his recommendation is that before the City embarks on a full-blown curbside-recycling program that the City implements the recommendations, this will allow us to learn and gather more data. This is a reasonable compromise and maybe two years from now it would be the most logical thing to do.

Councilor Landavazo said there is a lot of information out in the market place about recycling and he has been supportive of recycling for many years. Starting when Lance Allgood was still with the City and the initial money had been set aside for the study. He spoke about the comments he had heard about learning and he was not sure how much more there was to learn about recycling. He said in New York City the Sunday paper run takes enough paper to consume up to 75,000 trees. Councilor Landavazo said there was a comment on landfills being safe and turning them into playgrounds and golf courses. There was landfill in California that had dangerous methane gas that was so severe that they had to evacuate thousands of residents from around that area. Councilor Landavazo said there is almost \$500 million spent every year for crews to pick up litter from our state highways. There was comment earlier about being the most patriotic city. He said there is a cry coming from our community for a long time. We want to be on the map. We want people to look at Gallup as a place to start a new business. We want people to look at us as for economic development, and a tourist destination. We want to be attractive to the outside world. He said there was a report on the top five model cities and San Francisco is the poster child of recycling. San Francisco was able to reduce by 80% the things that went to a landfill, since they are landlocked so they had to do drastic things to make that happen. Portland Oregon is a tremendous community for recycling they are down to a 60% range, and there are a lot of success stories about curbside recycling. We have to be bold about being a model city. He said curbside recycling is one of those things that the outside world looks at beside other quality of life issues. Councilor Landavazo strongly recommends that we embrace curbside recycling. He said maybe the City could consider a progressive implementation by having the citizens pay a dollar a month for the first year, pay two dollars the second year and pay three dollars on the third year, for an easy transition. We want to be a model community and we want the outside world to invest in us. Councilor Landavazo said there is interest out there because people are already participating and going to the bins and doing it but he believes that the number of people who want to recycle will be reduced is because of the inconvenience. Another point he made was the cost of \$1.2 million to implement the program. If

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the City waits a year or two that \$1.2 million that will increase to \$1.3 or \$1.4 million. The prices of the bins and trucks are also going to escalate and a year or two from now we will continue to find excuses that it is too expensive to implement. The prices are not going to go down.

Councilor Palochak said that lately we are on the trend of conserving energy or considering solar energy options for the City; however, the City is having trouble considering curbside recycling. She lived at Silver City, New Mexico 25 years ago and they had curbside recycling. She said she does recycle and it is a pain with the current system because of the inconvenience, sometimes the bins are full, and you have to carry the bags in your car for weeks because there are no attendants at the station. It sends a message that the City government is not in favor of recycling because they don't make it convenient. She agreed with Councilor Landavazo that the time is now, it's long overdue and we cannot drag our feet on the issue.

Mayor McKinney referred to the survey where 53% would participate regardless of the cost and 41% of the respondents said they would not participate. When we deliver these bins to these homes, 41% will not recycle and the bins will probably end up with trash in them and that will create a problem. He said he looked at all the meetings that have been going on since these meeting were well attended. These people were the ones in favor of recycling. He said this is not about whether recycling is good or bad, but this is about the services the City can provide. Mayor McKinney said he had been listening to the news about the recycling problems in Albuquerque and how the cost of recycling keeps going up. The Mayor went over the values of the recycled materials. He reference how the value of the plastics had gone down by 90%, single stream had gone down by 80% and cardboard is the only one that stays steady. None of these things have any value anymore. The City gives the landfill the value of the recycled items to cover the cost of transporting the single stream to Albuquerque. Curbside recycling is a great thing to do but are we buying a white elephant, today it's going to cost this much and next year it's going to be higher. Mayor McKinney was concerned about the reoccurring expenses and the long term effects. Mayor McKinney said the City has a lot bigger issues that need to be taken care of, such as the alcohol issues. So we pick up our trash off the streets, but then we have people lying in our streets and we have not come up with the answers for that. Mayor McKinney spoke about the problem with the current bins being full or locked and he spoke about increasing the bins to alleviate this problem. Regarding costs of the curbside program, the Mayor mentioned the costs for the wear and tear of equipment and the trucks. The Mayor said he agreed with Mr. Tovar's recommendations to expand on the existing recycling program.

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Councilor Landavazo made the motion to approve the Curbside Recycling Program. Seconded by Councilor Palochak. Roll call: Councilors Landavazo and Palochak voted yes. Councilors Kumar, Garcia and Mayor McKinney voted no. Motion failed.

Mayor McKinney asked Ms. Ustick to start the implementation of staff recommendations on the hiring of additional personnel, increase the recycling bins, appropriate accurate signage, and to work on the education program to make it user friendly. He also asked staff to get the metrics and the analytic information and bring it back to the Council to see if we have public support.

Ms. Ustick said based on direction given by the Council this will be included in the budget process. Mayor McKinney said that will not accommodate our citizens by next week and did not want to wait until the budget cycle to start for the new Fiscal year land urged her to find the funding to start the process.

Mr. Tovar said staff recommends authorization by the Council to proceed with the outlined recommendations not to exceed \$100,000.

Ms. Ustick asked Mr. Tovar when he could get this implemented. Mr. Tovar said the most difficult thing to do would be to hire the additional personnel, including the procurement process as it would take about 6 weeks. Mr. Moore from NWNMRSWA said it would take him about 4 weeks to order and receive new bins.

Councilor Kumar made the motion to approve the current recycling program with the additional staff recommendations. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, and Mayor McKinney voted yes. Councilors Landavazo and Palochak voted no. Motion carried.

Councilor Kumar made the motion to adjourn into closed session for the purpose of discussing threatened or pending litigation regarding Reach 13 of the Navajo Gallup Water Supply Project, Formal Bid No. 1402, (KBK Construction and Western Surety Company). Seconded by Councilor Landavazo. Roll Call: Councilors Kumar, Palochak, Garcia and Mayor McKinney all voted yes.

The Mayor and Councilors adjourned into closed session pursuant to §10-15-1-H(7) NMSA 1978 Comp. (as revised).

Following the closed session, Councilor Kumar made the motion to reconvene the Regular Meeting. Seconded by Councilor Palochak. Roll Call: Councilors Kumar, Palochak, Landavazo, Garcia and Mayor McKinney all voted yes

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Mr. Kozeliski certified for the record that matters discussed during the closed was limited to discussing threatened or pending litigation regarding Reach 13 of the Navajo Gallup Water Supply Project, Formal Bid No. 1402, (KBK Construction and Western Surety Company), Pursuant to §10-15-1-H(7) NMSA 1978 Comp. (as revised)

Comments by Public on Non-Agenda Items

Tom Flores addressed the Mayor and Council regarding some issues with the City. Mayor McKinney advised Mr. Flores to make an appointment with Mr. Kozeliski to resolve any issues he had.

Comments by Mayor and City Councilors

Councilor Palochak wanted to congratulate A.J. Starkovich for being the 152 pound Class 5A State Wrestling Champion and the Lady Bengal Basketball Team for their undefeated season. She thanked Acting Police Chief Franklin Boyd and Lieutenant Yazzie for attending her neighborhood meeting. She also reminded the public that they were starting teams for Relay for Life and to contact her for more information.

Councilor Landavazo reminded Gallup to keep wrapping their arms around progressive vision and to keep believing.

Councilor Kumar had wanted to introduce Catherine Sebold, the City's new Tourism and Marketing Manager. He said he attended the New Mexico Tourism Conference in Santa Fe and was able to see the state grants that were available to help the City with our advertising and marketing of Gallup. He believes that Ms. Sebold is a great addition for the City. Ms. Sebold will be looking at a lot of other venues for Gallup, dealing with the arts and events for Red Rock Park. He thinks Gallup has a lot of potential.

Councilor Garcia also congratulated A.J. Starkovich for winning the state championship and wanted to present him with a plaque at the next regular meeting. Her next District 1, Northside Neighborhood Meeting will be at the Northside Senior Center on Wednesday, February 24, 2016.

Mayor McKinney said he supported the idea of bringing in A.J. Starkovich to recognize him. He would like the City to keep apprised of our local athletes and their accomplishments. He said he supported all the community sports and would like for these individuals to come in and be recognized. Mayor McKinney also said he was relieved on the funding that the City received through the efforts of the U.S. Senators for the Detox Center. He said he will continue to stay on the alcohol issues as that was his number one priority.

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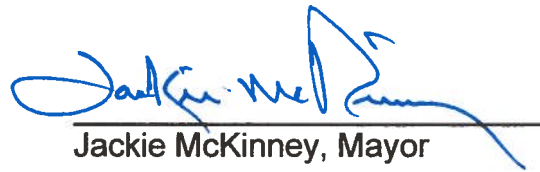
Comments by City Manager and City Attorney

None,

There being no further business, Councilor Palochak made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Landavazo, Kumar, and Mayor McKinney all voted yes.



Brenda Romero, Deputy City Clerk



Jackie McKinney, Mayor

Approved 3/8/2016